

**MINUTES TOWN OF EAST FISHKILL**  
**TOWN BOARD**  
**MEETING AUGUST 26,**  
**2021 7:00 p.m.**

**REGULAR BOARD MEETING**

The Town of East Fishkill's Town Board Meeting on August 26, 2021 was called to order at 7:00 p.m. by Supervisor D'Alessandro.

Supervisor D'Alessandro stated there was a presentation from the Sons of Italy.

The representative from the Joe DiMaggio Lodge stated that for more than 30 years the Town has allowed them to use the recreation facilities to hold their annual festival over Memorial Day weekend. Their basic purpose is to raise money to give back to the community. They give out scholarships to graduating students from Wappinger's and Arlington schools as well as various charities. They presented a check for \$2000 to the Town as a token of their appreciation.

**Supervisor's Announcements**

Supervisor D'Alessandro thanked the Sons of Italy. Supervisor D'Alessandro stated they have started calls with the County Executive weekly. There has been an uptick with Covid cases in Dutchess County. He stressed that if the Department of Health calls because someone in your home is Covid positive please answer the phone so they can get correct data.

Supervisor D'Alessandro missed this month's Mayors and Supervisors meeting. He did meet with the Supervisors of Fishkill, Wappinger's, and Pawling. He attended the Dutchess County Transportation Safety Council meeting. He thanked the East Fishkill fire volunteers for all of their time and stated he does meet with the fire commissioners quarterly as well as with the chief.

There are some resolutions for new positions this month. All except one are for replacement positions. He thanked his staff for all their hard work. Supervisor D'Alessandro met with the Wappinger Central School District Superintendent, Dr. Bonk, as well as an additional meeting with several town supervisors to review districting and transportation as well as Covid procedures. There were several surrounding towns, including East Fishkill, that have an intern program and it worked out very well. They did a terrific job and he thanked them. The storm water project for Hillside Lake has been completed. They have discussed a ribbon-cutting there. They did a treatment on the lake that appears to be working. Supervisor D'Alessandro attended a meeting with the Dutchess County regional Chamber of Commerce.

It has been a while since the East Fishkill Business and Economic Development Committee has met. They are trying to get this active and have set a meeting.

The Town has received several applications from businesses entering iPark. One is for Lion Gate Films as well as 3 additional warehouse applications. There is a resolution to be Lead Agency for Frito Lay for a 150,000 square foot fulfillment facility. Thanks to the Town Board for all their hard work getting new businesses in. He also thanked past Supervisor Hickman for his hard work getting the zoning changes started.

The 25th anniversary celebration of Community Day is this year. It will be Saturday, September 18.

There will be a 9/11 ceremony as it is the 20th anniversary so that will be advertised as soon as they have the details.

Last week was a special Town Board meeting. One of the town court clerks retired and another one left for a different job so he asked for a special meeting to hire a new one as the court cannot be shut down.

**Roll the Call:** Supervisor D'Alessandro asked the Town Clerk Hurray to call the rolls.

Board Members in attendance:

Peter	Thomas	Emanuele	Anil	Nicolas
Cassidy	Franco	Marinero	Beephan	D'Alessandro

Also in attendance:

Thomas Wood, Attorney; Scott Bryant, Engineer; Mark Pozniak, Comptroller; Chief Bellino, East Fishkill Police Department; Ken Williams, Highway Superintendent.

Supervisor D'Alessandro stated he was going to change the order of the agenda to do some of the resolutions before the Public Hearing. They will be doing resolution number one, three, four, and number 20 as well as number two as it has a presentation. He asked if anyone in the public at any questions or comments on those listed resolutions. There was one resident with questions regarding resolution number two but supervisor D'Alessandro told him the floor would be opened after the presentation for additional questions.

### **Resolutions:**

#### **1. Appoint Police Chief from Civil Service List**

**RESOLUTION**  
**(APPOINT TOWN POLICE CHIEF AND AUTHORIZE EMPLOYMENT AGREEMENT)**

**WHEREAS**, the former Town Police Chief Matthew Orsino retired on December 31, 2019; and

**WHEREAS**, Lieutenant Christopher Bellino was appointed Acting Town Police Chief on January 1, 2020; and

**WHEREAS**, the Dutchess County Human Resources has since administered the Town Chief Police examination; and

**WHEREAS**, the Town Board requested and reviewed the Dutchess County Human Resources Certified list dated August 5, 2021; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby appoints Christopher Bellino to Town Police Chief for the East Fishkill Police Department; and

**BE IT FURTHER RESOLVED**, it is appropriate to enter into the annexed Employment Agreement; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor be and hereby is authorized to execute the Employment Agreement with the Town Police Chief; and

**BE IT FURTHER RESOLVED**, that the terms and conditions of said Employment Agreement shall be as contained therein.

Motion to appoint the Police Chief from the Civil Service List: Board Member Franco. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

Judge Romig administered the oath of office to Chief Bellino and he was issued his badge.

### **3. Appoint Police Chief from Civil Service List**

#### **RESOLUTION** **(APPOINTING TWO POLICE OFFICERS)**

**WHEREAS**, the Town Police Chief has been officially informed that two Police Officers will retire in December; and

**WHEREAS**, the Town Police Chief has been approved to hire two Police Officers; and

**WHEREAS**, the Dutchess County Department of Human Resources has certified a list of qualified eligibles for our agency; and

**WHEREAS**, the Town Board has interviewed two eligible candidates, recommended by the Town Police Chief; and

**NOW, THEREFORE, BE IT RESOLVED**, that Bret Filancia and Steven Snyder is hereby appointed to the position of Police Officer at the annual salary of \$48,350 effective August 27 2021; and

**BE IT FURTHER RESOLVED**, such person shall serve the required probationary period set forth in the Rules for the Classified Civil Service of Dutchess County.

Motion to authorize Police Department hirings for two Police Officers to fill vacancies: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

#### **4. Authorize Hiring of a Full-Time Police Assistant to Fill a Vacancy**

##### **RESOLUTION** **(APPOINTING A FULL-TIME POLICE ASSISTANT)**

**WHEREAS**, a full-time Police Assistant position is vacant in the Police Department since the retirement of Jerry Quint; and

**WHEREAS**, the Town Police Chief has requested to backfill the position; and

**WHEREAS**, the Civil Service list for said title has been canvassed; and

**WHEREAS**, interviews have been conducted by the Town Police Chief and Town Board; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board hereby appoints Omar Vega to a full-time Police Assistant; and

**BE IT FURTHER RESOLVED**, such person will be paid pursuant to the CSEA Collective Bargaining Agreement Salary Schedule effective August 27, 2021; and

**BE IT FURTHER RESOLVED,** such person shall serve the required probationary period set forth in the Rules for the Classified Civil Service of Dutchess County.

Motion to authorize hiring a Full-Time Police Department Assistant to fill a vacancy: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Supervisor D'Alessandro stated there was a presentation for resolution number two. Jennifer Gray stated that she is employed by Keene & Beane who is representing Frito-Lay. This is an application for construction of a 150,000 ft.<sup>2</sup> fulfillment center at the former IBM East campus now known as iPark 84. Also present were Kathy Alfano, Davshi Patel, Stephanie Hanger, and Chuck Mueller, all from Frito-Lay, Brian Commeford, Nicole Shimon, and Luis Manzan were also present. Ms. Gray stated the applicant is very excited to join the East Fishkill community. They do believe it will bring good jobs and tax revenue to the town as well as redeveloping and revitalizing this empty parking lot. This is on the south side of Route 52. It is currently a large vacant parking lot. They are taking a portion of lot two and a portion of lot three from the original GlobalFoundries subdivision and merging them together. This will create a 28.4 acre lot. There will also be two other structures. One will be a fleet center and one will be a guardhouse. The fulfillment center will use high-tech equipment to fulfill direct consumer customer orders. It will have an automated storage and retrieval system. Most of the fulfillment center is designed to be about 50 feet in height. The ASRS is a very tall piece of machinery and because of that, a portion of the building will need to be raised to 85 feet in height. It will only be approximately 25% of the building. The fleet center will provide service and maintenance to the vehicles that are transporting product to and from the facility. The guardhouse will be a manned checkpoint for vehicles coming and going from the site. They do need an Economic Redevelopment Special Permit and site plan and subdivision approvals. An application has been submitted to the Planning Board. This is a Type I SEQRA. A full EAS was submitted to the Board along with an executive summary. A traffic study was done as part of that. After tonight's presentation they are asking the Board to authorize to circulate for Notice of Intent to Declare Lead Agency and to refer the application to the Planning Board. They are also requesting a joint Public Hearing with the Planning Board.

Brian Commeford reviewed the details of the Performance Center parameters. There are adjacent buildings that will make up the difference between the 140,000 square-foot warehousing area and the 150,000 square-foot total. There will be 20 loading docks, 108 car parking spaces, 100 trailer parking spaces, and 13 tractor parking spaces. The intent is to reuse the existing area. The core aspects of this project will take place within the existing parking area. Largely the landscaped and

grass areas will remain intact. The proposed disbursement center sits in the middle of the parking lot and that pavement will be improved. They plan to add additional landscaping around the ring road. Out of the 28.4 acres of property, 20 acres are disturbed, most of which are the existing parking lot. There is an existing nonconforming condition relative to the setback to Route 52. There is an existing roadway within the setback requirements, and they do plan on maintaining that same condition. They will not worsen it or improve it. It will continue to be an existing nonconforming addition. They are also requesting a 5foot variance in the building height. They do believe they have satisfied all other zoning compliances. They will have a combination of wall mounted lights as well as post mounted fixtures throughout the parking lot and drive spaces. The fixtures are dark sky friendly so there will not be light contamination beyond the extent of the property. They are photocell activated. There are two entrances into this particular facility. The intent is to open the closed gate two for primary use of personal autos in and out. Tractor-trailer access will come through gate three, which is an existing entrance. That will keep the tractor-trailers off of Route 52 and give them direct access to I 84. There will be a gated entrance at the southwest corner where access can be granted for emergency responders if necessary. They expect no impacts to traffic or safety on the adjacent road network or site access gates as per their traffic study. They do not plan on putting any signalization at gate two and make no changes to the operational traffic signal at gate three. This is not a highly staffed facility in terms of creating significant traffic. The net in and out is 24 during the morning and 26 during the afternoon peak periods. This is a two shift operation that runs from 8 PM to 12 PM. The peak personnel is overlapping at 4 AM. There will be approximately 8 people working from 8 AM to 5 PM. They are providing 108 auto parking places for the max 72 employees. The two discharge points for storm water today go to the east and west sides of the facility. They will continue to be the discharge points for all storm water. They will be adding catch basins. The impervious area is decreasing so there is no additional retention required for any kind of storm water. They have studied upstream impacts to make sure they are not negatively impacting any upstream areas associated with storm water. This is a light user of overall utilities. They have started discussions with all utilities suppliers and do not expect any issues. They have done a sound study. The results are negligible.

Jennifer Gray asked if there were any questions at this point. Board Member Marinaro asked how many people in total the company would employ at the site. Ms. Gray said approximately 80 full-time people. They also anticipate approximately 80 construction jobs as well. Supervisor D'Alessandro stated they will also have to give a presentation to the Planning Board. Ms. Gray stated the average wages for the 80 employees are shown to be above the average starting salary for Dutchess County.

Board Member Cassidy asked how long they anticipate it to take to build. Ms. Gray stated they plan on 2 ½ to 3 years.

Supervisor D'Alessandro asked if there was anyone from the public who wanted to speak on this resolution.

Eric Ackley asked why the name was presented as Project Niagara in the beginning. Supervisor D'Alessandro stated the Board had to sign a nondisclosure agreements prior to the application being submitted. Attorney Wood stated that national companies have to go through many processes when they decide to start a project. They come into a community and have discussions with professional staff and leaders in the community and at that point it is still confidential until such time as they finish their other due diligence with other involved agencies. As soon as the application is filed it becomes public. There has been nothing done prior to this other than generalized discussions about concepts. The Town did not get any of these detailed reports until they were filed on Friday or Monday. Tonight is step one of receiving the application. Then there will be a joint Public Hearing with the Town Board and the Planning Board on September 23. There will be an additional series of Public Hearings leading up to the application being approved or denied. The information will be fully vetted and any information that is received by the Town, the public is free to look at. Attorney Wood explained step-by-step the process this application will have to go through. Mr. Ackley asked about the height of the building and the closeness to the road. He asked about tax breaks being given to them. He asked about the lighting on site and how much different those impacts would be from what is there now. The Board all tried to explain the process and that this was the first step of many.

Ms. Gray stated they have submitted 440 pages of professional studies as well as the EAF form. They understand there will be supplemental information as they go through the SEQRA process. They understand they have to meet all the requirements of the code. This is a permitted use in this district pursuant to a special permit. They need to meet certain standards within the code in order to qualify for that special permit. Board Member Marinaro asked the cost to produce a document like the one that was submitted to the Town. Ms. Gray stated it is tens of thousands of dollars to produce those studies. She stated this would be a \$100 million investment. They will be paying their portion of taxes without having a single student attend school. Board Member Marinaro stated a lot of these reports are required by the state. Attorney Wood stated that SEQRA cannot be modified by the Town.

## **2. Received & File and Refer Application for Project Niagara at iPARK**

### **RESOLUTION**

**(RECEIVING & REFERRING THE APPLICATION OF ROLLING FRITO-LAY SALES, LP FOR A RE-USE SPECIAL PERMIT AND SITE PLAN APPROVAL FOR 10-350 NORTH DRIVE iPARK)**

**WHEREAS**, the Town Board has received the above application for consideration; and

**WHEREAS**, the Town Board must take certain preliminary actions; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board acknowledges receipt of the application and refers the same to the Planning Board; and

**BE IT FURTHER RESOLVED**, the Town Planning Staff is hereby directed to circulate a notice of the intent of the Town Board to be Lead Agency under SEQRA; and

**BE IT FURTHER RESOLVED**, that the Town Board sets a Joint Public Hearing with the Planning Board for September 23, 2021 at 6:00 PM at the Town Hall; and

**BE IT FURTHER RESOLVED**, that the Supervisor may change the hearing date in consultation with the Planning Board if necessary.

Motion to receive and file and refer the application for Project Niagara at iPark: Board Member Beephan. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

Supervisor D'Alessandro stated this is the first step in a very long process and there will be a joint Public Hearing with the Planning Board on September 23, 2021 at 7 PM.

## **20. Appoint a Part-Time Police Assistant**

### **RESOLUTION** **(APPOINTING A PART-TIME POLICE ASSISTANT)**

**WHEREAS**, a part-time Police Assistant position is vacant in the Police Department; and

**WHEREAS**, the Town Police Chief has requested to backfill the position; and

**WHEREAS**, interviews have been conducted by the Town Police Chief and Town Board; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board hereby appoints Isabella Nocerino to Police Assistant; and

**BE IT FURTHER RESOLVED**, such person will be paid pursuant to the CSEA Collective Bargaining Agreement Salary Schedule effective August 27, 2021.

Motion to appoint a Part-Time Police Assistant: Board Member Beephan.

Seconded: Board Member Marinaro. All voted in favor. Motion carried.

**Public Hearings:**

1. Public Hearing Considering Road Frontage Assessments for Properties on Phillips Road

Motion to open the Public Hearing: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

Supervisor D'Alessandro stated they are trying to do some traffic improvement on Phillips Road. He asked Attorney Wood to give an overview.

Attorney Wood stated when Four Corners was first proposed by the WCI the traffic study showed two major issues with Phillips Road. The first was the intersection at Route 216 with limited sight distance. WCI did give the Town \$200,000 towards future remediation of this intersection. The other issue was with this road at the intersection of Beekman Road. They created Noah Way out to Beekman Road in a safer location. The Phillips Road to Beekman Road section was not closed at that point. The County, while doing improvements to Beekman Road, has determined that intersection to be very dangerous. They wanted it closed but the Town was able to get them to agree to a cul-de-sac for the few homes that are there. The balance of Phillips Road has been abandoned. The property owner has agreed that if certain work is done on that property, he will make a contribution to enable the Town to do the work on the other end of Phillips Road. The Town has obtained a right-of-way and will move the intersection of Phillips Road and 216 away from the curve to make it a safer intersection. This will cost approximately \$450,000. This frontage assessment is the legal way of applying the money WCI gave the Town and allowing the other property owner to make their contribution over a period of 15 years. There is no development proposal in the area. It is farmed area divided by Central Hudson wires going through there. Nothing being done tonight changes any development potential of any of the properties in the area.

Supervisor D'Alessandro asked if there was anyone in the public to speak for or against this. There was no one. He asked if there were any Board members with questions or comments. Highway Superintendent Williams stated this is a much needed improvement. Engineer Bryant stated the DOT fully endorses this change.

Motion to close the Public Hearing: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

a. Adopt Negative Declaration

Motion to adopt a Negative Declaration: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

b. Adopt Local Law & Resolution

RESOLUTION

Adopted by the Town Board  
of the Town of East Fishkill,  
Dutchess County at a regular  
meeting held at Town Hall on  
June 24, 2021, at 7:00 o'clock  
p.m., Prevailing Time

PRESENT:

NICHOLAS D'ALESSANDRO.  
Supervisor

PETER CASSIDY  
Councilman

ANIL BEEPHAN  
Councilman

EMANUELE MARINARO  
Councilman

THOMAS FRANCO  
Councilman

----- :  
In the Matter of :

PUBLIC

Order Scheduling Public Hearing on the	:	INTEREST
Formation of the Phillips Road	:	RESOLUTION
Improvement District	: -----	
-----	:	

WHEREAS, pursuant to Town Law Section 200, the owners of real estate constituting a majority of the frontage fronting or abutting upon either side of the roads set forth herein, private roads in the Town of East Fishkill which are used for access to the premises of said owners, have petitioned the Town Board of the Town of East Fishkill to improve said streets by construction and paving of such roads and other necessary improvements; and

WHEREAS, the Town Engineer has prepared a report which calls for the improvements to be made to Phillips Road @ NYS Route 216; and

WHEREAS, the improvements contemplated and considered to the referenced road shall be: widening of said road to twenty (20) foot width; 8" (eight inches) of Item 4 depth installed; and total asphaltic concrete top depth including top course to be 8" (eight inches); installation and asphalt swale, minor drainage improvements; installation of an asphalt hammerhead 38 (thirty eight) feet by 20 (twenty) feet; and the installation of associated striping, signage and landscaping; and the abandonment of a part of the existing road;

WHEREAS, the maximum amount proposed to be spent for said improvements is approximately \$475,000. (Four Hundred Seventy-five thousand) dollars; and

WHEREAS, the area benefitted as stated in the petition consists of the following parcels identified by Tax Map Number and the description of said parcels is as follows: Four Corners Subdivision and Grid Number: 6558-04-888010; and 6558-04-770176; and

WHEREAS, the expense of said improvements, pursuant to Town Law Section 202(2) shall be borne by local assessment upon the aforementioned lots and parcels of land especially benefitted by the improvements and the Town Board will establish a Road Improvement District to allocate the cost of said improvements among the benefitted properties; and

WHEREAS, subsequent to said improvements, it is proposed to accept said roads for dedication to the Town by the property owners;

IT IS FURTHER ORDERED, that a Public Hearing be held on the 26<sup>th</sup> day of August, 2021 at 7:00 p.m. at the Town Hall, 330 Route 376, Hopewell Junction, NY 12533, on the Petition for Formation of Street Improvement District Pursuant to Town Law Section 200 in regard to Phillips Road Improvement District; and

BE IT FURTHER ORDERED, that the Town Clerk shall cause a certified copy of this order to be published at least once in the official newspapers of the Town, the first publication to be not less than 10 nor more than 20 days before the date of the aforementioned hearing, and shall cause a copy of this order to be posted on the sign board of the town maintained pursuant to Section 30 subdivision six of the Town Law of the State of New York; and

BE IT FURTHER ORDERED, that the Town Engineer shall cause a copy of this order to be posted in at least five public places along the private roads referenced herein not less than 10 nor more than 20 days before the date of the aforementioned hearing. The question of the adoption of the foregoing resolution was duly put to a vote on roll, which resulted as follows:

<u>Supervisor Nicholas D'Alessandro</u>	VOTING	<u>AYE</u>
<u>Councilman Peter Cassidy</u>	VOTING	<u>AYE</u>
<u>Councilman Anil Beephan</u>	VOTING	<u>AYE</u>
<u>Councilman Emanuele Marinaro</u>	VOTING	<u>AYE</u>
<u>Councilman Thomas Franco</u>	VOTING	<u>AYE</u>

**RESOLUTION**  
**(AUTHORIZE THE FORMATION OF THE PHILLIPS RD IMPROVEMENT DISTRICT)**

**WHEREAS**, petition was duly presented to the Town Board of the Town of East Fishkill, New York, proposing that said Town Board authorize and approve the improvement of the following described portion of Phillips Rd, by the construction of new town and access onto Route 261 and abandonment of a leg of Phillips Rd both at Route 216 and at Beekman Rd; and

**WHEREAS**, said Town Board duly adopted on the 24<sup>th</sup> day of June, 2021, an order reciting in general terms the filing of said petition, the improvement proposed, the maximum amount proposed to be expended for said improvement and the area benefitted as stated in said petition, and specifying that said Town Board shall meet at the Town Hall, 330 Route 376, New York, the 26<sup>th</sup> day of August, 2021, at 7 PM meeting, to consider said petition and hear all persons interested in the subject matter thereof, concerning the same; and

**WHEREAS**, certified copies of said order were duly published and posted according to law, and said Town Board did, at the time and place specified in said order, duly meet and consider the matter of the establishment of said improvement, and heard all persons interested in the subject thereof who appeared at such time and place, concerning the same; and

**WHEREAS**, from the evidence offered at such time and place, the said Town Board determined that it was in the public interest to make the said improvement, duly adopted a resolution approving the construction of said improvement and directing the Town Engineer to prepare definite plans and specifications, and to make a careful estimate of the expense, and with the assistance of the Town Engineer to prepare a proposed contract for the execution of the work required for such improvement; and

**WHEREAS**, such plans, specifications, estimate and proposed contract were duly submitted to the Town Board on August 26, 2021, and having been examined by the Town Board have been determined to be satisfactory, and

**WHEREAS**, the estimated cost of the Town Engineer for said improvement is \$450,000 and does not exceed the maximum amount proposed to be expended for the improvement as stated in the aforesaid petition, to wit: \$450,000, \$200,000 from WCI and \$250,000 from Phillips Rd Property owner Elizabeth Scheuer; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby adopt the plans, specifications, estimate and proposed contract for the said improvement as submitted by the Town Engineer on August 26, 2021, and shall cause said improvement to be constructed in accordance therewith, according to law.

Motion to adopt the Local Law and Resolution as amended: Board Member Franco.  
Seconded: Board Member Beephan. All voted in favor. Motion carried.

**Approve Minutes:**

July 22<sup>nd</sup>, 2021

August 18<sup>th</sup>, 2021- at the request of Town Clerk Hurray, these minutes were added for approval.

Motion to approve the minutes for the July 22<sup>nd</sup> and the August 18<sup>th</sup>, 2021 meeting: Board Member Bephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

**Announcement of Additions to the Agenda:**

Supervisor D'Alessandro said there was one addition to the agenda and would be Resolution 20.

**Courtesy of the Floor:**

Supervisor D'Alessandro asked if there was anyone who would wish to speak on agenda items or Town items.

Zach Utter is a teacher at John Jay and wanted to make the Board aware of a New York State new Civics Readiness Initiative. They are putting forth a new award the students can receive for actively participating in their community. This year is the pilot program for that. The school would like the Boards involvement in this project as they move forward. With his coworker, Maria Mahoney, they will be doing a survey on community day to engage the students. He personally feels that if 21st century companies are coming in to the area they should be investing every penny they have into the school district. Supervisor D'Alessandro stated he has a meeting with Ms. Mahoney this weekend.

Mr. Eckley asked about the resolution regarding Lime Kiln Road as he did not feel it was clear as to what it was about. Supervisor D'Alessandro stated this has to do with removing debris from the microburst a few years ago that was stored at this location as a new owner is coming in.

**Receive and File**

Supervisor D'Alessandro said there was none.

**Resolutions:**

**5. Update Employee Handbook**

**RESOLUTION**  
**(ADOPTING AMENDED POLICIES FOR EMPLOYEE HANDBOOK)**

**WHEREAS**, the Town Board previously adopted an Employee Handbook; and

**WHEREAS**, from time to time the Town Board updates the policies therein, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby adopts updated policies pertaining to Vehicle Use, No Smoking and Overtime Policy for inclusion in the Employee Handbook.

Motion to update the Employee Handbook: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

**6. Acknowledge the Hiring of a Part-Time Cleaner for Highway**  
**RESOLUTION**  
**(APPOINTING A PART-TIME CLEANER)**

**WHEREAS**, a recent departure of a part-time cleaner has created a vacancy in the Highway department; and

**WHEREAS**, identified the need to backfill said position to disinfect the Town facilities; and

**WHEREAS**, the Highway Superintendent has recommended Rocikler Gonzalez for said title; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board hereby acknowledges the appointment in the Highway Department; and

**BE IT FURTHER RESOLVED**, Rocikler Gonzalez is hereby appointed to the title of part-time Cleaner at the hourly rate of \$12.50, effective August 2, 2021.

Motion to acknowledge the hiring of a part-time cleaner for Highway: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**7. Acknowledge a Seasonal Laborer for the Highway**

**RESOLUTION**  
**(ACKNOWLEDGING HIRING OF SEASONAL LABORER FOR THE  
HIGHWAY DEPARTMENT)**

**WHEREAS**, the Highway Superintendent has interviewed and hired a seasonal laborer; and

**WHEREAS**, the Highway Superintendent has submitted a letter to the Town Board attached hereto;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby acknowledges the hiring of Sierra Simeon at an hourly rate of \$17.00 as full-time Seasonal Laborer effective July 26, 2021; and

**BE IT FURTHER RESOLVED**, that upon completion of her task, she shall be removed from the payroll.

Motion to acknowledge a seasonal laborer for the Highway: Board Member Franco.  
Seconded: Board Member Marinaro. All voted in favor. Motion carried.

**8. Authorize the Hiring of a Seasonal Tax Clerk**

**RESOLUTION**  
**(AUTHORIZE HIRING OF A SEASONAL TAX RECORD CLERK)**

**WHEREAS**, the Receiver of Taxes has identified the need to hire a seasonal Tax Record Clerk; and

**WHEREAS**, the seasonal position will assist the Receiver of Taxes during School Tax collection from August 26, 2021 through November 23, 2021; and

**WHEREAS**, the Receiver of Taxes has selected a candidate for the seasonal position; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board hereby appoints Michelle McIntyre to the position of Seasonal Tax Record Clerk at the rate of \$15.38 per hour; and

**BE IT FURTHER RESOLVED**, that said employment shall only be during the dates listed and that upon completion of their task, they shall be removed from the payroll, unless further ordered by the Town Board.

Motion to authorize the hiring of a seasonal Tax Clerk: Board Member Marinaro.  
Seconded: Board Member Beephan. All voted in favor. Motion carried.

**9. Authorize Hiring of a Part-Time Typist**

**RESOLUTION (APPOINTING TEMPORARY TYPIST)**

**WHEREAS**, the Town has identified the need for an additional temporary Typist to assist in the clerical functions necessary to operate Town Departments; and

**WHEREAS**, Human Resources has interviewed viable candidates and recommends Veronica Haynes to the Town Board; and

**NOW, THEREFORE, BE IT RESOLVED**, that Veronica Haynes is hereby appointed as temporary Typist effective August 13, 2021, to be paid at the hourly rate of \$15.38; and

**BE IT FURTHER RESOLVED**, that such person shall work at the pleasure of the Town Supervisor in accordance with all the previously established rules and regulations; and

**BE IT FURTHER RESOLVED**, that such person will be removed from the payroll upon completion of their tasks.

Motion to authorize the hiring of a part-time typist: Board Member Cassidy.  
Seconded: Board Member Beephan. All voted in favor. Motion carried.

**10. Authorize Supervisor to sign an agreement with Stewart, Wald and McCulley with Respect to the Lomala Park District at No Cost to the Town**

**RESOLUTION**

**(AUTHORIZING THE LAW FIRM OF STEWART, WALD & MCCULLEY, LLC)**

**WHEREAS**, the various railroad companies owning Rights of Way within the Town are abandoning the right of ways in favor of them being converted to other uses; and

**WHEREAS**, one such right of way adjoins property now owned by the Lomala Park District ; and

**WHEREAS**, Laws from the 19<sup>th</sup> and 20<sup>th</sup> Centuries may allow compensation to the Park District as the land abandoned is not being returned to them; and

**WHEREAS**, the Law firm of Steward, Wald and McCulley has indicated that they are seeking compensation for adjourning property owners; and

**WHEREAS**, there is no fee for these services unless they are successful then they will retain a percentage; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor is authorized to sign a retainer agreement with Stewart, Wald & McCulley and authorize them to attempt to recover compensation.

Motion to authorize the Supervisor to sign an agreement with Stewart, Wald and McCulley with respect to the Lomala Park District at no cost to the Town: Board Member Franco. Seconded: Board Member Beephan. Board Member Cassidy and Board Member Marinaro abstained. All others voted in favor. Motion carried.

**11. Authorize the Hiring of a Legislative Aide for the Building Department**

**RESOLUTION**

**(APPOINTING A TEMPORARY LEGISLATIVE AIDE TO THE TOWN BOARD)**

**WHEREAS**, the current Legislative Aide is on an approved leave of absence; and

**WHEREAS**, the Town Board would like to appoint a temporary Legislative Aide to work in the Building Department and perform other functions as assigned by the Town Board and Town Supervisor; and

**NOW, THEREFORE, BE IT RESOLVED**, that Jessica Savage will be temporarily appointed to Legislative Aide to the Town Board effective August 30, 2021; and

**BE IT FURTHER RESOLVED**, that said Legislative Aide shall be paid \$18.77 per hour and benefits shall be provided in accordance with established Town policy.

Motion to authorize the hiring of a Legislative Aide for the Building Department: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**12. Award Non-Manufactured Wood Debris Grinding and Hauling from Lime Kiln Road and Authorize Change Order**

**RESOLUTION**

**(AWARD NON-MANUFACTURING WOOD DEBRIS GRINDING AND HAULING)**

**WHEREAS**, the Town of East Fishkill has received bids for the removal of NonManufacturing Wood Debris Grinding and Hauling at Lime Kiln Road; and

**WHEREAS**, the bid submitted in the amount of \$225,085 was previously received by the Town Clerk; and

**WHEREAS**, the vendor and the Town have negotiated to reduce the scope of the work; and

**WHEREAS**, the Town will now be responsible for the removal of 5800 cubic yards; and

**WHEREAS**, the Highway Superintendent, Town Supervisor and Town Engineer are hereby authorized to award the Non-Manufacturing Wood Debris Grinding and Hauling at Lime Kiln Road; and

**NOW, THEREFORE BE IT RESOLVED**, that the sole bidder is Supreme Forest Products and is awarded the bid subject to an immediate change order making the total bid \$150,000; and

**BE IT FURTHER RESOLVED**, that the award will be given to Supreme Forest Products.

Motion to award non-manufactured wood debris grinding and hauling from Lime Kiln Road and authorize the Change Order: Board Member Beephan. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

**13. Adopt a No Smoking Policy for all Town Properties**

Supervisor D'Alessandro stated this was being tabled.

**14. Appoint a Town Hiring Committee to Review Applications**

Supervisor D'Alessandro stated this was being tabled.

**15. Authorize the Town Board to Obtain the Services of Hudson Valley Engineering from the Region 8 LDSA List for Assistance in Preparing Applications for Funding Under the NYSDOT/TAP/CMAC Program**

**RESOLUTION****(RE: AUTHORIZE THE TOWN BOARD TO OBTAIN THE SERVICES OF HUDSON VALLEY ENGINEERING FROM THE REGION 8 LDSA LIST FOR ASSISTANCE IN PREPARING APPLICATIONS FOR FUNDING UNDER THE NYSDOT/TAP/CMAQ PROGRAM)**

**WHEREAS**, the Town of East Fishkill is seeking funding for traffic and roadway improvements to improve walkability, reduce congestion, and support economic development and revitalization within the Town of East Fishkill; and

**WHEREAS**, the Town of East Fishkill is eligible to apply for funding through the Transportation Alternatives Program (TAP) and the Congestion Mitigation Air Quality (CMAQ) Program for safety improvements, congestion reduction, traffic flow and pedestrian improvements along the Route 82 and Route 52 corridors generally between Route 376 and Fishkill Road on Route 82 and at Route 376/Route 52 and in the vicinity of John Jay High School on Route 52; and

**WHEREAS**, the maximum grant award for the Transportation Alternatives Program (TAP) and the Congestion Mitigation Air Quality (CMAQ) Program is \$5,000,000 and requires a 20% local match (up to \$1,000,000); and

**WHEREAS**, the Town is committing to the required 20% CMAQ/TAP local match (not to exceed \$1,000,000) through the Town's general fund and/or other sources such as grants, etc.; and

**WHEREAS**, the Town of East Fishkill circulated an RFP to several firms on the Region 8 LDSA List seeking assistance with preparing applications for funding under the NYSDOT TAP/CMAQ Program; and

**WHEREAS**, the Town of East Fishkill has selected Hudson Valley Engineering to assist the Town with the NYSDOT TAP/CMAQ Program grant applications; and

**NOW THEREFORE BE IT RESOLVED THAT** the Supervisor is hereby authorizing Hudson Valley Engineering to assist the Town with preparing NYSDOT TAP/CMAQ Program grant applications.

Motion to authorize the Town Board to obtain the services of Hudson Valley Engineering from the Region 8 LDSA List for assistance in preparing applications for funding under the NYSDOT/TAP/CMAC Program: Board Member Cassidy.  
Seconded: Board Member Beephan. All voted in favor. Motion carried

**16. Authorize Retaining CPL Engineering for Water and Sewer Projects Pursuant to Grants**

**RESOLUTION**

**(AUTHORIZING RETAINING CPL ENGINEERING FOR WATER AND SEWER PROJECTS PURSUANT TO GRANTS)**

**WHEREAS**, the Town has previously established the Water Improvement Area; and

**WHEREAS**, the Town has applied for Grants and funding for this project and is in need of securing services from an outside engineering agency to help with the work for various project; and

**WHEREAS**, the internal Engineering Staff has received, reviewed and modified a proposal from Clark Patterson Lee (CPL) to support the engineering and construction observations for various phases of the project; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Supervisor is hereby authorized to execute a contract with CPL for such services

Motion to authorize retaining CPL Engineering for water and sewer projects pursuant to grants: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**17. Authorize Drainage Easement at 99 Lake Walton Road at the Request of the Highway Superintendent**

**RESOLUTION**

**(ACCEPTING EASEMENT ON 99 LAKE WALTON RD)**

**WHEREAS**, the Highway Superintendent has recommended that the Town accept an easement over part of 99 Lake Walton Road for the installation of a catch basin and related infrastructure; and

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor be and hereby is authorized to accept an easement for Drainage Purposes from the owners of 99 Lake Walton Rd.

Motion to authorize a drainage easement at 99 Lake Walton Road at the request of the Highway Superintendent: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**18. Authorize the Town Justices to Attend the New York State Magistrates Association Conference**

**RESOLUTION**

**(AUTHORIZE TOWN JUSTICES TO ATTEND CONFERENCE)**

**WHEREAS**, Judge Frederick D. Romig and Judge Brian M Rudner have sent requests to the Town Board asking to attend the NYS Magistrates Association 2021 Annual Conference to be held in Niagara Falls, NY from September 26 through September 29, 2021; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the details of such conference is attached hereto and the expenses to the Town will be for tuition, lodging, meals and tolls; and

**BE IT FURTHER RESOLVED**, that Judge Romig and Judge Rudner are hereby authorized to attend the NYS Magistrates Association 2021 Annual Conference to be held in Niagara Falls, NY from September 26-29, 2021.

Motion to authorize the Town Justices to attend the New York State Magistrates Association Conference: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

**19. Authorize Approval of Borrowing for Water Improvements for 5 Million Dollars Subject to Receipt of 3 Million Dollar Grant from New York State**  
**RESOLUTION – 134/2021**

**BOND RESOLUTION**

**(Subject to Permissive Referendum)**

At a regular meeting of the Town Board of the Town of East Fishkill, Dutchess County, New York, held at Town Hall, in Hopewell Junction, New York, in said Town, on the 26<sup>th</sup> day of August, 2021, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Nicholas D'Alessandro, and upon roll being called, there were

PRESENT: Councilman Thomas Franco  
Councilman Emanuele Marinaro  
Councilman Anil R. Beephan, Jr.  
Councilman Peter Cassidy  
Supervisor Nicholas D'Alessandro

The following resolution was offered by Councilman Anil R. Beephan, Jr. who moved its adoption, seconded by Councilman Thomas Franco, to-wit:

BOND RESOLUTION DATED AUGUST 26, 2021.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE PURCHASE OF UPGRADING, AND IMPROVING WATER PIPES AND APPERTANCES IN THE TOWN OF EAST FISHKILL, DUTCHESS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$5,000,000., AND AUTHORIZING THE ISSUANCE OF \$5,000,000. BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have a significant adverse effect on the environment; and

WHEREAS, it is now desired to authorize such capital project and its financing: NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of East Fishkill, Dutchess County,

New York as follows:

Section 1. The purchase and installation of Water Mains, Pumps and Appertances each item of which costs \$30,000 or over, for the Town of East Fishkill, Dutchess County, New York, including incidental equipment and expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$5,000.000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$5,000,000. bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision 28 of paragraph of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of East Fishkill, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year unless paid from other revenues. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said  
Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of  
publication this resolution are not substantially complied with,  
and an action, suit or proceeding contesting such validity is commenced  
within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the  
Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper(s) of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>COUNCILMAN THOMAS FRANCO</u>	VOTING	<u>AYE</u>
<u>COUNCILMAN ANIL R. BEEPHAN</u>	VOTING	<u>AYE</u>
<u>COUNCILMAN EMANUELE MARINARO</u>	VOTING	<u>AYE</u>
<u>COUNCILMAN PETER CASSIDY</u>	VOTING	<u>AYE</u>
<u>SUPERVISOR NICHOLAS D’ALESSANDRO</u>	VOTING	<u>AYE</u>

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

Motion to authorize approval of borrowing for water improvements for 5 million dollars subject to receipt of a 3-million-dollar grant from New York State: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

**Additions to the Agenda by Majority Vote (if any):****Budget Transfer:**

Supervisor D'Alessandro stated there were no budget transfers.

**Comments from Town Board Members:**

Highway Superintendent Williams stated they have paved 13 roads with the help of Intercounty Paving. They have done Ross Dr., Cedar Lane, Dale Rd., Deerwood Drive, Duran Drive, Forest View Drive, Foster Rd., Larchmont Drive, Nicholson Rd., and Tamarack Drive. They have also teamed up with the Town of Pawling and the Town of Kent to complete Jensen Road and Ressique Road. They have done a lot of drainage work and piping work. There was no major tree damage from the last tropical storm. They also have the crew working with the recreation to assist them in installing the new batting cages. He asked that any residents that have issues with the roads to please contact his office directly. He thanked Officer Stephen Castillo for his assistance cutting down a poison ivy covered tree after the last storm.

Police Chief Bellino thanked the Board for his appointment. Jerry Quinn retired after working with the Police Department for 20 years. He also did 10 to 12 years with the fire district. He will be missed very much. Since the last meeting the Police Department have saved four individuals in different situations.

Board Member Beephan welcomed the new recreation director. He thanked Bill and Christine for stepping up during the absence of a full-time director. Red Wing Park will close on September 6. He thanked all the staff there. There will be a lot of fun things planned for Community Day. There will be scavenger hunts, a parade, and illusionist Ryan Dutcher. He hopes everyone enjoys their Labor Day weekend. He wished Comptroller Mark Pozniak a happy birthday.

Board Member Franco congratulated Chief Bellino. He thanked the Supervisor and professionals for the Frito-Lay presentation. He believes it will be great for not only the Town but the schools as well.

Board Member Marinaro stated last week he contacted the County Executive regarding the sharp turn on Beekman Road at Augusta Drive. He gets a lot of calls from residents in that area regarding the amount of accidents. All the accident reports have been forwarded to the County Executive to review them. He stated he is very happy with the way the Town Board responds to the community. He is very proud to be part of this Town Board. Last last week they attended a senior citizen lunch organized by Dutchess County. There were over 400 lunches given out. A lot of paving has been done by the Highway Department. They have done a study/plan on all of the roads and the amount of repairs or repaving that they each need to have done. They are continuing to follow that plan. They do not go off of that plan because people call and complain. Unless there is a major emergency like a water main break work even they are sticking to that plan.

Board Member Cassidy congratulated Chief Bellino. He wished Comptroller Pozniak to a happy birthday. Community Day is coming up. It is the 25th anniversary celebration. Ryan Dutcher, the illusionist, and the firework show will be at the end of the night. There will be a parade and many events all day long. Call the Department for any additional information.

Supervisor D'Alessandro wished Comptroller Pozniak a happy birthday.

**Motion for Adjournment: Time:** Motion to adjourn the regular meeting at 9:05 PM: Board Member. Seconded: Board Member. All voted in favor. Motion carried.

<b><u>Town Board Meetings:</u></b>	<b>Workshop Meeting:</b>	<b>September 9, 2021</b>
	<b>Voting Meeting:</b>	<b>September 23, 2021</b>

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray –  
September 1, 2021